HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE G.V. SEETHAPATHY

Writ Appeal No.573 of 2007

Between:

Korlapudi Venkateswara Rao

... Appellants

And

The Commissioner of Appeals,
Office of the Chief Commissioner of
Land Administration, Andhra Pradesh,
Hyderabad and two others

... Respondents

::JUDGMENT::

Counsel for the appellant : Shri E. Madan Mohan Rao

Counsel for respondent No.3 : Shri P. Ramabrahmam

August 8, 2007

Per G.S. Singhvi, CJ

This appeal is directed against order dated 31-8-2006 passed by the learned Single Judge in WVMP No. 3525 of 2005 and WPMP No. 13180 of 2005 in Writ Petition No.10153 of 2005, whereby he confirmed the ad interim order to lost till the decision of the writ petition.

In the writ petition filed by him, the appellant has questioned the legality of order dated 26-11-2004 passed by the Commissioner (Appeals) in the office of Chief Commissioner of Land Administration. He has also prayed that the official respondents be restrained from acting upon the impugned order.

While admitting the writ petition, the learned Single Judge

stayed the implementation of order dated 26-11-2004. WVMP No.3525 of 2005 filed by respondent Nos.1 and 2 was dismissed by recording the following order:

> "The dispute in the writ petition is between an octogenarian father and his son, the third respondent, in respect of land admeasuring Acs.14.50 cent situated in Poranki Village of Penumaluru Mandal in Krishna District. The dispute is being brought in the background of provisions of Urban Land (Ceiling and Regulation) Act, 1976 and the proceedings of the first respondent, dated 26-11-2004, whereby and whereunder, first respondent declared that the petitioner and third respondent would be entitled for land admeasuring Acs.7.50 as per G.O.Ms.No.733, dated 31-10-1988 and a further direction was given to second respondent to give notice to the petitioner for filing a declaration under Section 6(1) of the Act. It is now brought to the notice of this Court that the third respondent also filed a suit for partition on the file of the Vijayawada Court, which is pending. In this background, this Court is of considered view that the interim order of status quo passed by this Court on 27-4-2005 is made absolute. It is further directed to the petitioner and third respondent not to alienate the property or create any third party rights by way of agreement of Memo of understanding, until disposal of the writ petition."

We have heard learned counsel for the parties and perused the record and are satisfied that the order under challenge does not suffer from any patent legal infirmity warranting interference under Clause 15 of the Letters Patent. There cannot be any manner of doubt that the learned Single Judge had the discretion to grant interim relief to the appellant subject to appropriate condition and we see no reason to remove the restriction imposed by him against alienation of the land in question.

With the above observation, the appeal is dismissed. However, looking to the age (85 years) of the appellant, we direct that the main petition be listed for hearing on 23-8-2007. Liberty is given to the counsel for the appellant to make a request to the learned Single

Judge for out of turn hearing.

As a sequel to dismissal of the appeal, WAMP Nos. 1122 and 1123 of 2007 filed by the appellant for interim relief are also dismissed.

G.S. SINGHVI, CJ

G.V. SEETHAPATHY, J

August 8, 2007
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